

REMARKS

Claims 1 and 4-11 remain pending in this application. Claims 1, 4 and 11 have been amended to clarify the configuration of the claimed spacers. Support for these amendments can be found in at least paragraphs [0033], [0034] and [0041], and FIGS. 2 and 5, of the specification. No new matter has been added.

Claims 1 and 11 are rejected under 35 USC 103(a) on Shimada (US 4,908,718) in view of Yamanaka (US 7,196,827). These rejections are respectfully traversed with respect to the claims as amended.

Claims 1 and 11 have been amended to clarify that the topmost edge of the claimed spacer is configured to cause a first portion of an original document to be out of contact with a reading transparent member at a location over the original document reading position and a second portion of the original document to come in contact with the reading transparent member at a location downstream from the original document reading position relative to the original document conveyance direction as the first portion of the original document is conveyed over the original document reading position. This aspect of the claimed invention is neither disclosed nor suggested by Shimada or Yamanaka.

The Examiner relies on light shielding member 234 of Shimada as disclosing the spacer of claims 1 and 11. However, in contrast to amended claims 1 and 11, the topmost edge of light shielding member 234 is not configured to cause any document handling. Rather, light shielding member 234 merely scoops a document onto glass plate 232. The deficiencies of Shimada are not compensated for by Yamanaka, which also fails to disclose or suggest the spacer required by amended claims 1 and 11.

Further, the Examiner relies on Shimada as disclosing a first portion of an original document being out of contact with a reading transparent member at a location over the original document reading position as recited in claims 1 and 11. However, the portion of Shimada on which the

Examiner relies for this disclosure, the gap between glass plate 232 and original P that abuts light shielding member 234 in FIG. 3, does not disclose a portion of an original document being out of contact with a reading transparent member at a location over the original document reading position as claimed. Rather, the cited gap is far removed from the original document reading position which is identified in FIG. 3 of Shimada by the path of light L.

Claims 4-10 are rejected under 35 USC 103(a) on Shimada in view of Yamanaka and Kitani (US 5,352,883). This rejection is respectfully traversed.

Claim 4 recites a spacer comprising an upper surface member and lower surface member glued together to form a step configuration. This aspect of the claimed invention is neither disclosed nor suggested by Shimada, Yamanaka or Kitani.

The Examiner relies on Kitani as disclosing this aspect of the claimed invention. However, the portion of Kitani on which the Examiner relies for this disclosure, layer 119 and guide means 7 in FIG. 12, does not disclose an upper surface member and lower surface member glued together to form a step configuration. On the contrary, layer 119 and guide means 7 have a common end and therefore do not form any type of step configuration relative to one another. The deficiencies of Kitani are not compensated for by Shimada or Yamanaka, which also fail to disclose or suggest an upper surface member and lower surface member glued together to form a step configuration as required by claim 4.

Accordingly, since the cited references do not provide the teachings for which they are cited, and fail to disclose or suggest all of the elements of claims 1, 4 and 11, the rejections under 35 USC 103(a) of claims 1, 4 and 11 and the claims depending thereon should be withdrawn.

In view of the above, early action allowing claims 1 and 4-11 is solicited.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection

with the filing of this document to **Deposit Account No. 03-1952** referencing docket no.
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